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10 **UNITED STATES DISTRICT COURT**  
11 **SOUTHERN DISTRICT OF CALIFORNIA**  
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13 ALICIA OLALDE MUNOS, an  
14 individual,

Plaintiff,

15 vs.

16 EXPRESS FUNDING & REALTY,  
17 INC., SIERRA PACIFIC MORTGAGE  
18 COMPANY, INC., MORTGAGE  
19 ELECTRONIC REGISTRATION  
SYSTEMS, INC., CAL-WESTERN  
RECONVEYANCE CORPORATION  
and DOES 1 THROUGH 20,

Defendants.

**CASE NO. 09-CV-2113 H (AJB)**

**ORDER DENYING AS MOOT  
SIERRA PACIFIC AND MERS'  
MOTIONS TO DISMISS**

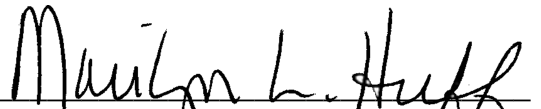
21 On September 25, 2009, Plaintiff Alicia Olalde Munos filed a complaint against Express  
22 Funding & Realty, Inc., Sierra Pacific Mortgage Company, Inc. ("Sierra Pacific"), Mortgage  
23 Electronic Registration Systems, Inc. ("MERS"), and Cal-Western Reconveyance Corporation.  
24 (Doc. No. 1.) On November 30, 2009, Sierra Pacific and MERS filed motions to dismiss  
25 Plaintiff's complaint. (Doc. Nos. 8 & 9.) MERS also filed a motion to expunge lis pendens  
26 on November 30, 2009. (Doc. No. 10.) On December 22, 2009, Plaintiff filed an amended  
27 complaint. (Doc. No. 12.)

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1 Accordingly, the Court denies as moot Sierra Pacific and MERS' motions to dismiss  
2 Plaintiff's complaint. The hearing on MERS' motion to expunge lis pendens shall remain set  
3 for January 4, 2010 at 10:30 a.m. in courtroom 13. The Court reserves the right to submit the  
4 motion on the papers pursuant to Local Rule 7.1(d)(1) if appropriate.

5 **IT IS SO ORDERED.**

6 DATED: December 23, 2009

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8 MARILYN L. HUFF, District Judge  
9 UNITED STATES DISTRICT COURT

10 COPIES TO:

11 All parties of record  
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